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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dennis GROSS
Patent Appln. No. : 09/338,729
Filed : June 23, 1999
Art Unit : 1617
Examiner : Gina YU
For : COMPOSITION AND METHOD FOR TREATING SKIN
Docket No. : 10853/1
Customer No. : 23838

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF APPEAL BRIEF FEE UNDER 37 CFR §41.37(a)(2)

S I R:

In support of the Appeal Brief filed herewith, appellant authorizes the Director to charge the fee of \$250.00 set forth in 37 CFR §41.20(b)(2) for a small entity appellant, and any other fees that may be required for the appeal, to Deposit Account No. 11-0600. A duplicate of this paper is enclosed.

Respectfully submitted,
KENYON & KENYON

Date: September 28, 2005

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APPEAL BRIEF UNDER 37 CFR §41.37

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed on September 16, 2005. Appellant requests reversal of the rejections in the Final Office Action of June 16, 2005 in light of the remarks below.

I. Real Party in Interest

The real party in interest is the inventor, Dennis Gross.

II. Related Appeals and Interferences

There are no prior and pending appeals, interferences or judicial proceedings known to appellant or the appellant's legal representative which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of Claims

Claims Canceled: 1-10, 16-27, 30-32, 37-39, 41, 42, 45, 46, 48, 51-69, 71, 74, 75, 79-84, 86, 87 and 89.

Claims rejected: 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 76-78, 85, 88, and 90-117.

Claims Objected to: None.

Claims Allowed: None.

Claims Confirmed: None.

Claims Withdrawn: None.

Claims Appealed: 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 76-78, 85, 88, and 90-117.

IV. Status of Amendments

There is no amendment filed subsequent to the Final Office Action.

V. Summary of Claimed Subject Matter

The claimed invention is essentially directed to methods of treating skin by first applying an acidic liquid composition at pH of about 2.5 to about 4 to the skin, neutralizing the acidic liquid composition by applying to the skin an alkaline liquid composition at pH of greater than about 7 to about 12, and then applying a moisturizer, sunscreen and/or makeup to the skin while the acidic and alkaline liquid compositions remain on the skin. The support for the subject matter defined in each independent claim is described below.

Independent claims 40, 44, 90 and 117 can be summarized as drawn to methods for treating skin (in a consumer for claim 40 or 44) comprising (claim 40, 90 or 117) or consisting essentially of (claim 44):

applying (via massaging in claim 40 or 44) to the skin an acidic liquid composition comprising (claim 44, 90 or 117) or consisting essentially of (claim 40) a skin renewing acid and a carrier at pH between about 2.5 and about 4 (see the specification at page 3, the third full paragraph);

allowing the acidic liquid composition to dry on the skin (claim 40 or 44) (see the specification at page 11, the last full paragraph);

neutralizing the acidic liquid composition by applying (via massaging in claim 40 or 44) to the skin an alkaline liquid composition comprising (claim 44, 90 or 117) or consisting essentially of (claim 40) an alkaline agent, about 0.1% to about 10% of at least one surfactant/emulsifying agent and a carrier at pH of greater than about 7 to about 12 (see the specification at page 8, the last 4 lines; page 9, lines 2-3 and 13 and the third line from the bottom of page 9);

allowing the alkaline liquid composition to dry on the skin (claim 40, 44 or 90) (see the specification at page 11, the last full paragraph); and

applying (via massaging in claim 40 or 44) a moisturizer, sunscreen and/or makeup to the skin when the acidic and alkaline liquid compositions remain on the skin (claim 40, 44 or 90) or without preceded by rinsing off the acid and alkaline liquid compositions from the skin (claim 117) (see the specification at page 11, the last full paragraph),

wherein the acidic liquid composition consists essentially of (claim 40) or comprises (claim 44) chelating agent, witch hazel distillate, surfactant/emulsifying agent, salicylic acid,

lactic acid, glycolic acid, dissolved ammonia, preservative, acetone, alcohol and purified water within the percent weight ranges recited in claim 40 or 44, and wherein the alkaline liquid composition consists essentially of (claim 40) or comprises (claim 44) sodium bicarbonate, silicone, green tea extract, phospholipids, vitamin E, vitamin A, ascorbyl palmitate, preservative, chelating agent, surfactant/emulsifying agent and water within the percent weight ranges recited in claim 40 or 44 (see Example 1 in pages 12-13, and Example 4 in page 14, of the specification).

VI. Grounds of Rejection to be Reviewed on Appeal

Appellant requests review of the rejections under 35 U.S.C. §103 of

(a) claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 77, 78, 85, 88, 90-99, 101-106 and 109-117 over Davis (US 5,720,949) in view of Rapaport (US 5,505,948); and

(b) claims 76, 100, 107 and 108 over Davis in view of Rapaport applied to claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 77, 78, 85, 88, 90-99, 101-106 and 109-117, and further in view of Linn et al (US 4,797,273), Hahn et al (US 5,804,203) and McAtee et al (US 5,811,111).

VII. Argument

(A) Claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 77, 78, 85, 88, 90-99, 101-106 and 109-117 are patentable over Davis in view of Rapaport.

Davis discloses a skin-treatment method of applying an acid composition followed by the application of an effervescent composition, or vice versa, to the skin in order to form a **cosmetic mask** with foaming action on the skin (column 1, lines 12-13; column 2, lines 42-44; column 3,

lines 4-6; column 11, lines 16-17; emphasis added). Both the acid composition and the effervescent composition of Davis are in a form that **does not flow appreciably** when applied to the skin, wherein the acid composition has a minimal viscosity of 25,000 cps and the effervescent composition has a minimal viscosity of 50,000 cps (column 2, lines 19, 20, 23 and 24; column 3, lines 11-13, 41-43, 64 and 65; column 4, line 22). The foaming action is the result of a chemical reaction between an effervescent agent in the effervescent composition and an acid in the acid composition releasing a gas, e.g., carbon dioxide, which percolates through the **relatively viscous** mixture of the acid composition and effervescent composition (column 2, lines 49-51; column 7, lines 32-33; column 11, lines 19-21; emphasis added). After up to about 30 minutes, the **cosmetic mask** is removed from the skin by means of **a scraper or cloth** (column 1, lines 47-49; column 12, lines 1-3; column 13, line 19; emphasis added). The skin may then be washed, for instance with a gentle soap composition (column 12, lines 3-4; column 13, line 19).

The acid composition, preferably a gel, of Davis contains about 1% to about 30% of an acid, about 55% to about 90% of a cosmetically acceptable organic solvent suitable to permit gel formation, a thickening agent effective to provide a viscosity of from about 25,000 to about 500,000 cps, and water (column 2, lines 21-26 and 34; column 3, lines 61-67; column 9, lines 14, 15 and 21-24).

The effervescent composition, preferably a cream, lotion or paste, of Davis contains an effervescent agent such as the sodium, potassium or ammonium salt of bicarbonate or carbonate, a nonliquid organic material of moderate melting point to ensure that the effervescent composition has sufficient body (so the composition will not drip or run when applied to the skin), a surfactant system adapted to provide emulsification, cleansing and/or foam boosting,

water and a thickening agent effective to stably thicken the effervescent composition to provide viscosity of from about 50,000 to about 1 million cps (column 2, lines 13-20 and 27-32; column 4, lines 19-22 and 30-39; column 7, lines 8-10 and 32-40). The pH of the effervescent composition is alkaline (column 7, lines 58-59). The nonliquid organic material may be omitted from the effervescent composition of Davis if the skin is pretreated with a moisturizing cream before the application of the acidic and effervescent compositions, but additional body if necessary can be provided by increasing the concentration of the thickening agent (column 5, lines 9-20).

Davis differs from claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 76-78, 85, 88 and 90-117 at least in not teaching the application of a makeup, moisturizer and/or sunscreen AFTER the application of an acidic liquid composition followed by neutralization via the application of an alkaline liquid composition, wherein the acidic and alkaline liquid compositions REMAIN on the skin or NOT RINSED OFF the skin when the makeup, moisturizer and/or sunscreen is applied to the skin. The Examiner acknowledged at least this difference of Davis from these claims (see page 7, lines 4-5, of the Office Action of December 1, 2004).

Regarding the patentability of claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 77, 78, 85, 88, 90-99, 101-106 and 109-117 over Davis in view of Rapaport, the claims are argued below in the groups as follows:

I. claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 85, 88, 90-93, 98, 99, 101-106 and 109-117;

II. claims 94-97;

III. claim 77; and

IV. claim 78.

(A)(I) Claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 85, 88, 90-93, 98, 99, 101-106 and 109-117:

Claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 85, 88, 90-93, 98, 99, 101-106 and 109-117 would not have been obvious over Davis in view of Rapaport due to at least several reasons discussed below.

(A)(I)(i) No Motivation to Use Rapaport to Modify the Method of Davis

The Office Actions attempt to rely on Rapaport to remedy the deficiency of Davis. However, the appellant contends that there would have been no motivation for one of ordinary skill in the art to use Rapaport to modify the method of Davis.

Rapaport discloses a skin-peeling composition containing low concentrations of peeling agents, wherein one of the peeling agents can be an alpha hydroxy acid (column 8, lines 14, 15, 33-37 and 53-61). The low concentrations of the peeling agents in Rapaport's skin-peeling composition permit the peeling agents to be left on the skin of the user for a relatively extensive duration to achieve slow peeling effects (column 8, lines 35-42).

The Office Action asserts that it would have been obvious to modify the method of Davis by replacing the acid composition of Davis with Rapaport's skin-peeling composition (see the 3rd to 5th lines from the bottom of page 7, Office Action dated 12/01/2004; page 3, fourth full paragraph, Final Office Action dated 6/16/2005). However, the appellant submits that a person of ordinary skill in the art would have lacked any motivation to modify the method of Davis by replacing the acid composition of Davis with Rapaport's skin-peeling composition. This is

because Rapaport specifically states that the skin-peeling composition of Rapaport “is intended to be left upon the skin of the user **without the neutralization** or removal required in the prior art” (column 8, lines 46-48; emphasis added). However, the effervescent composition of Davis would **neutralize** any acid previously applied because the effervescent composition contains an effervescent agent such as the sodium, potassium or ammonium salt of bicarbonate or carbonate, which is a base that reacts with the acid (column 7, lines 32-35; column 10, line 66 to column 11, line 1; column 11, lines 19-20). Thus, one of ordinary skill in the art would not have been motivated to replace the acid composition in the method of Davis with the skin-peeling composition of Rapaport to be followed by the application of the effervescent composition of Davis. This is one of the reasons why claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 85, 88, 90-93, 98, 99, 101-106 and 109-117 would not have been obvious over Davis in view of Rapaport.

The Examiner argued that, according to Rapaport, the skin-peeling composition of Rapaport is allowed to be left on the skin without neutralization due to the low concentration of the alpha-hydroxy acid (see page 4, lines 10-11, Final Office Action). But the Examiner further argued that Rapaport also discloses that, in cases where a high concentration of the acidic skin peeling agent is used, quick neutralization or removal of the acidic skin peeling agent is required (column 11, lines 23-27, Rapaport), and that a skin peeling method with a neutralization step was well known (see page 4, lines 13-14, Final Office Action). However, the appellant contends that, even with Rapaport’s disclosure of a method of treating the skin with an acidic peeling agent at a high concentration followed by relatively quick neutralization or removal of the peeling agent, Davis in view of Rapaport does not provide any teaching or suggestion of skin treatment methods comprising applying an acidic dermatological liquid composition to the skin followed

by neutralization with an alkaline dermatological liquid composition applied to the skin, and then applying a moisturizer, sunscreen and/or makeup when the acidic dermatological liquid composition and alkaline dermatological liquid composition remain on the skin, or have not been rinsed off from the skin.

(A)(I)(ii) Desiring **Gentle Peel** Would Not Result in the Claimed Methods

The Examiner asserted that there is a motivation to modify the method of Davis by replacing the acid composition of Davis with the skin-peeling composition of Rapaport to arrive at the claimed methods because Davis teaches maintaining the acid composition on the skin if “**gentle peel** of the skin is desired” and because Rapaport teaches a composition for “**gentle peel**” (see the second full paragraph of the Final Office Action; emphasis added). As discussed above, the replacement of Davis’ acid composition with Rapaport’s skin-peeling composition in the method of Davis lacks any motivation because Rapaport discloses that Rapaport’s skin-peeling composition is not intended to be neutralized on the skin. Furthermore, the appellant contends that even if a person of ordinary skill in the art were, *arguendo*, to modify the method of Davis by replacing the acid composition of Davis with the skin-peeling composition of Rapaport in order to obtain desired **gentle peel** of the skin as alleged by the Final Office Action, the resultant modified method would be different from the methods of claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 85, 88, 90-93, 98, 99, 101-106 and 109-117. Davis discloses that, if **gentle peel** of the skin is desired, the acid in the acid composition is maintained in a **stoichiometric excess** over the amount of the effervescent agent in the effervescent composition (column 11, lines 40-48; emphasis added). Therefore, even if the method of Davis were modified by replacing the acid composition of Davis with the skin-peeling composition of

Rapaport as alleged by the Office Action, a stoichiometric excess of the acid over the effervescent agent must be maintained according to Davis. However, claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 85, 88, 90-93, 98, 99, 101-106 and 109-117 recite a step of neutralizing the acidic dermatological liquid composition by applying the alkaline dermatological liquid composition (see also page 9, line 7, of the specification). If a **stoichiometric excess** of the acid in the skin-peeling composition of Rapaport is maintained over the amount of the effervescent agent in the effervescent composition of Davis in order to achieve **gentle peel**, the effervescent composition would be of insufficient alkalinity to neutralize the acid in the skin peeling composition, so the modification of the method of Davis would not lead to the methods of claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 85, 88, 90-93, 98, 99, 101-106 and 109-117. This is another reason why claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 85, 88, 90-93, 98, 99, 101-106 and 109-117 would not have been obvious over Davis in view of Rapaport.

(A)(I)(iii) No Motivation to Apply Moisturizer, Sunscreen And/Or Makeup When the Cosmetic Mask of Davis Remains on the Skin

Even if one of ordinary skill in the art were, *arguendo*, to use the disclosures in Rapaport to modify the method of Davis, there would have been no motivation to modify the method of Davis by applying a makeup, moisturizer and/or sunscreen when the **cosmetic mask**, composed of an acid-containing composition and the effervescent composition, remains on the skin, or the acid-containing composition and the effervescent composition of the **cosmetic mask** have not been rinsed off from the skin.

Such motivation would have been absent because a person of ordinary skill in the art would have reasonably predicted that the **cosmetic mask** would physically block or chemically interfere with the application of the moisturizer, sunscreen and/or makeup by preventing the moisturizer, sunscreen and/or makeup from making effective contact with the portion of the skin to which the moisturizer, sunscreen and/or makeup is applied, leading to insufficient absorption of the moisturizer, sunscreen and/or makeup. The cosmetic mask of Davis is formed from the acid composition having a minimal viscosity of 25,000 cps and the effervescent composition having a minimal viscosity of 50,000 cps, wherein both compositions do not flow appreciably when applied to the skin (column 2, lines 19, 20, 23 and 24; column 3, lines 11-13, 41-43, 64 and 65; column 4, line 22; column 11, lines 37-38). The cosmetic mask of Davis is so viscous so that it needs a scraper, cloth or abrasive means to be removed from the skin (column 1, lines 47-49; column 2, lines 38-41). The above discussions discount the motivation of modifying the method of Davis by replacing the acid composition of Davis with Rapaport's skin-peeling composition. Nevertheless, even if the acid composition of Davis were, *arguendo*, replaced with Rapaport's skin-peeling composition in the method of Davis, a cosmetic mask would still be formed because Davis' effervescent composition, having a minimal viscosity of 50,000 cps, is viscous enough to form a mask (column 3, lines 11-16 and 41-43; column 4, lines 19-38; column 11, lines 37-38). Whether the acid composition of Davis is replaced with Rapaport's skin-peeling composition in the method of Davis, the viscous cosmetic mask would interfere with the application of the moisturizer, sunscreen and/or makeup. Thus, the skin portion would not get the intended benefit from the moisturizer, sunscreen and/or makeup applied.

Without the intended benefit, one of ordinary skill in the art would not have been motivated to modify the method of Davis, relying on the disclosures of Rapaport, by applying

the makeup, moisturizer and/or sunscreen when the cosmetic mask formed by the acid composition and effervescent composition remains on the skin, or when the acid composition and effervescent composition of the cosmetic mask have not been rinsed off from the skin.

The Examiner also argued that Davis and Rapaport both suggest compositions that remain on the skin (see page 5, first full paragraph, first sentence, Final Office Action). The Examiner concluded that, in view of the combined teachings of Davis and Rapaport, a “gentle skin peel regime which allows the acidic composition to remain on the skin and the effervescent composition in the form of lotion would have been obvious” (see page 5, first full paragraph, 4th sentence, Final Office Action). As discussed below, the appellant disagrees.

By the Examiner’s own account, the acidic composition that is allowed to remain on the skin (see page 5, first full paragraph, 4th sentence, Final Office Action) is a part of the “gentle skin peel regime.” Page 3, lines 12-13, the Final Office Action, states that ‘Rapaport teaches a composition for “gentle peel” acidic composition in low concentration.’ Thus, by “the acidic composition” that is allowed to remain on the skin, the Examiner was referring to Rapaport’s skin-peeling composition containing an acidic peeling agent at a low concentration, such as one of the compositions disclosed in Tables 1, 1.1, 2 and 2.1 in columns 14-15 of Rapaport. However, as discussed above, Rapaport’s skin peeling composition containing an acidic peeling agent at a low concentration is designed to be left on the skin for an extended duration, not to be neutralized (column 8, line 47). Thus, Rapaport’s skin peeling composition is not intended to be used with the effervescent composition of Davis. This is one of the reasons why the Final Office Action is incorrect in concluding that, in view of the combined teachings of Davis and Rapaport, a “gentle skin peel regime which allows the acidic composition to remain on the skin and the effervescent composition in the form of lotion would have been obvious”.

By “the effervescent composition in the form of lotion” (see page 5, first full paragraph, 4th sentence, Final Office Action), the Examiner was referring to the effervescent composition in the form of lotion disclosed by Davis. The Final Office Action states that “[i]t is well known in the art, according to Davis, that lotion or cream type of compositions are generally massaged into the skin and **not removed**” (page 5, the second sentence of the first paragraph, Final Office Action; emphasis added). The Examiner implied that it would have been obvious to not remove Davis’ effervescent composition in the form of lotion. The appellant disagrees. Davis discloses that the effervescent composition is preferably in the form of a lotion, cream or paste (column 2, lines 30-32). According to Davis, the effervescent composition is applied to the skin and massaged into the skin with consequential admixing with the acid composition. (Column 2, lines 42-47; column 11, lines 16-17, Davis). The acid composition and the effervescent composition of Davis are viscous and do not flow appreciably when applied to the skin (column 3, lines 12-15 and 41-43; column 11, lines 21 and 37-38). Having a minimal viscosity of 50,000 cps, the effervescent composition of Davis in the form of a lotion is quite thick. Contrary to the Final Office Action’s assertion about the non-removal of Davis’ effervescent composition in the form of lotion, Davis discloses that the mixture of the acid composition and the effervescent composition is removed by cloth, scraper “or other means, especially means to abrade the skin lightly to assist in removal of dirt, dead skin, oils and the like.” (Column 2, lines 38-41; see also column 1, lines 47-49; column 12, lines 2-3). “The face of the consumer may then be washed with a gentle soap composition.” (Column 12, lines 3-5, Davis). This is another reason why the Final Office Action is incorrect in concluding that, in view of the combined teachings of Davis and Rapaport, a “gentle skin peel regime which allows the acidic composition to remain on the skin and the effervescent composition in the form of lotion would have been obvious”.

The Examiner further argued that, as taught by Davis and Rapaport, “[t]he motivation to modify the mask composition into a less viscous formulation is to make a composition that can remain on the skin after the application”. (See page 5, first full paragraph, last sentence, Final Office Action). The appellant maintains that Davis in view of Rapaport does not provide the suggestion or motivation to modify the mask composition into a less viscous formulation. The motivation put forth by the Examiner for modifying the mask composition into a less viscous formulation is “to make a composition that can remain on the skin after the application.” The appellant contends that one needs not modify the mask composition of Davis into a less viscous formulation in order to make a composition that can remain on the skin because the mask composition of Davis, being viscous and not appreciably flowable, can readily remain on the skin after the application and there is no motivation or suggestion to make the mask composition less viscous.

The appellant also disagrees with the assertion in page 6, lines 1-3, of the Office Action dated December 1, 2004, that the motivation to make less viscous compositions to shorten the reaction time in Davis’s method is found in column 11, lines 37-40, which teaches that viscosity of the compositions delays the time for complete reaction. Actually, column 11, lines 39-40, of Davis discloses that the requirement of making the acid composition and effervescent composition viscous permits contact of the skin with the acid component even though the time for complete reaction is delayed somewhat. Contrary to the assertion of the Office Action, column 11, lines 37-40, of Davis provides no motivation to make less viscous compositions in Davis’s method.

(A)(I)(iv) Teaching Away from Applying Moisturizer When Cosmetic Mask Is Present

Davis teaches away from applying a moisturizer when the cosmetic mask is on the skin because Davis teaches the optional application of a moisturizing cream **BEFORE** applying the acid composition and effervescent composition, wherein the moisturizing cream is **SUBSTANTIALLY COMPLETELY ABSORBED** into the skin **BEFORE** the application of the acid composition and effervescent composition (see column 10, lines 1-11 and 31-33; column 12, lines 6-14; emphasis added). Rapaport provides no motivation to reverse the sequence of the steps disclosed in Davis in order to apply the moisturizing cream **AFTER**, instead of **BEFORE**, the application of the acid composition and effervescent composition, while the acid composition and effervescent composition still remain on the skin or have not been rinsed off the skin when the moisturizing cream is applied. Rapaport does not teach how to avoid the physical and/or chemical interference by the cosmetic mask present on the skin if the moisturizer is applied. This is one of the reasons why one of ordinary skill in the art would not have been motivated, by Rapaport, to modify the method of Davis to arrive at the methods of claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 85, 88, 90-93, 98, 99, 101-106 and 109-117.

(A)(II) Claims 94-97:

Claims 94-97 depend on claim 90. Therefore, the reasons discussed above under all the subsections of (A)(I) for the patentability of claim 90 over Davis in view of Rapaport also apply to claims 94-97.

Additionally, Davis differs from claims 94-97 in not teaching or suggesting that the acid composition further comprises at least one surfactant/emulsifying agent, optionally at about 0.1% to about 10%, about 2% to about 6%, or about 3% to about 5%. Although the effervescent

composition of Davis comprises a surfactant, the optional components of the acid composition do not include any surfactant/emulsifying agent (column 2, lines 14-30; column 7, line 66 to column 8, lines 49; column 9, lines 65-67, Davis), let alone at least one surfactant/emulsifying agent, optionally at about 0.1% to about 10%, about 2% to about 6%, or about 3% to about 5%. Although Rapaport's skin-peeling composition comprises a surfactant (Tables 1, 1.1, 2 and 2.1 in columns 14-15, Rapaport), Rapaport's skin-peeling composition is not intended to be used with Davis' effervescent composition in the method of Davis due to neutralization as discussed above. There is no suggestion or motivation to arrive at the methods of claims 94-97 according to Davis in view of Rapaport. This is another reason why claims 94-97 are patentable over Davis in view of Rapaport.

(A)(III) Claim 77:

Claim 77 depends on claim 90. Therefore, the reasons discussed above under all the subsections of (A)(I) for the patentability of claim 90 over Davis in view of Rapaport also apply to claim 77.

However, claim 77 further differs from Davis in that Davis does not disclose or suggest that the acid composition of Davis comprises polysorbate-20, acetone, ethanol and 2.5% witch hazel distillate. The acid composition of Davis does not contain a surfactant, let alone polysorbate-20 at 1.0% as recited in claim 77. The acid composition of Davis contains about 55% to about 90% organic solvents, e.g., C₃-C₈ alcohols, suitable for cosmetic use (column 9, lines 14-24). But Davis does not teach or suggest that the organic solvents can be acetone and ethanol, let alone 5.0% acetone and 5.0% ethanol as recited in claim 77, which add up to only 10.0%. The acid composition of Davis can contain about 0.001% to about 0.25% witch hazel

(column 7, line 66 to column 8, line 13; column 9, lines 65-67), but not 2.5% witch hazel distillate as recited in claim 77. Rapaport fails to remedy these deficiencies of Davis because Rapaport also does not disclose or suggest an acid composition to be neutralized by an alkaline composition, wherein the acid composition comprises polysorbate-20, acetone, ethanol and 2.5% witch hazel distillate. This is another reason why claim 77 is patentable over Davis in view of Rapaport.

(A)(IV) Claim 78:

Claim 78 also depends on claim 90. The reasons discussed above under all the subsections of (A)(I) for the patentability of claim 90 over Davis in view of Rapaport also apply to claim 78.

Davis further differs from claim 78 in that Davis does not disclose or suggest that the acid composition of Davis comprises resorcinol, polysorbate-20, 5.0% isopropanol and 2.5% witch hazel distillate. Davis is silent on an acid composition containing resorcinol. The acid composition of Davis does not contain a surfactant, let alone polysorbate-20 at 1.0% as recited in claim 78. The acid composition of Davis contains isopropanol in an amount of about 55% to about 90% (column 9, lines 14-24, Davis), but not 5.0% isopropanol as recited in claim 78, which is less than $1/10^{\text{th}}$ of the minimal amount disclosed in Davis. The acid composition of Davis can contain about 0.001% to about 0.25% witch hazel (column 7, line 66 to column 8, line 13; column 9, lines 65-67), but not 2.5% witch hazel distillate as recited in claim 78, which is 10 times the maximal amount disclosed in Davis. Rapaport fails to remedy these deficiencies of Davis because Rapaport also does not disclose or suggest an acid composition to be neutralized by an alkaline composition, wherein the acid composition comprises resorcinol, polysorbate-20,

5.0% isopropanol and 2.5% witch hazel distillate. This is another reason why claim 78 is patentable over Davis in view of Rapaport.

(B) Claims 76 and 100 are patentable over Davis in view of Rapaport as applied to claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 77, 78, 85, 88, 90-99, 101-106 and 109-117 and further in view of Linn et al, Hahn et al and McAtee et al.

The reasons for the patentability of claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 77, 78, 85, 88, 90-99, 101-106 and 109-117 over Davis in view of Rapaport discussed above also apply to claims 76 and 100. Linn et al, Hahn et al and McAtee et al fail to remedy the deficiencies of Davis in view of Rapaport. For instance, Linn et al, Hahn et al and McAtee et al do not teach applying a moisturizer, sunscreen and/or makeup to the skin when the acid composition and effervescent composition of Davis remain on the skin or have not been rinsed off the skin. Thus, claims 76 and 100 are patentable over Davis in view of Rapaport, and further in view of Linn et al, Hahn et al and McAtee et al.

(C) Claim 107 is patentable over Davis in view of Rapaport as applied to claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 77, 78, 85, 88, 90-99, 101-106 and 109-117 and further in view of Linn et al, Hahn et al and McAtee et al.

The reasons of patentability of claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 77, 78, 85, 88, 90-99, 101-106 and 109-117 over Davis in view of Rapaport discussed above also apply to claim 107. Linn et al, Hahn et al and McAtee et al fail to remedy the deficiencies of Davis in view of Rapaport. These are some of the reasons why claim 107 is patentable over Davis in view of Rapaport, and further in view of Linn et al, Hahn et al and McAtee et al.

However, Davis further differs from claim 107 in that the acid composition of Davis does not comprise polysorbate-20, acetone, ethanol and 2.5% witch hazel distillate. The acid composition of Davis does not contain a surfactant, let alone 1.0% polysorbate-20. The acid composition of Davis contains about 55% to about 90% organic solvents, e.g., C₃-C₈ alcohols, suitable for cosmetic use (column 9, lines 14-24). But Davis does not teach or suggest acetone and ethanol as the organic solvents, let alone 5.0% acetone and 5.0% ethanol, which add up to only 10.0%. The acid composition of Davis can contain about 0.001% to about 0.25% witch hazel (column 7, line 66 to column 8, line 13; column 9, lines 65-67), but not 2.5% witch hazel distillate. Rapaport, Linn et al, Hahn et al and McAtee et al fail to remedy these deficiencies of Davis because Rapaport, Linn et al, Hahn et al and McAtee et al also do not disclose or suggest an acid composition to be neutralized by an alkaline composition, wherein the acid composition comprises 1.0% polysorbate-20, 5.0% acetone, 5.0% ethanol and 2.5% witch hazel distillate. This is another reason why claim 107 is patentable over Davis in view of Rapaport, further in view of Linn et al, Hahn et al and McAtee et al.

(D) Claim 108 is patentable over Davis in view of Rapaport as applied to claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 77, 78, 85, 88, 90-99, 101-106 and 109-117 and further in view of Linn et al, Hahn et al and McAtee et al.

The reasons for the patentability of claims 11-15, 28, 29, 33-36, 40, 43, 44, 47, 49, 50, 70, 72, 73, 77, 78, 85, 88, 90-99, 101-106 and 109-117 over Davis in view of Rapaport discussed above also apply to claim 108. Linn et al, Hahn et al and McAtee et al fail to remedy the deficiencies of Davis in view of Rapaport. These are some of the reasons why claim 108 is

patentable over Davis in view of Rapaport, and further in view of Linn et al, Hahn et al and McAtee et al.

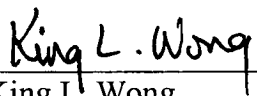
Davis further differs from claim 108 in that the acid composition of Davis does not comprise resorcinol, polysorbate-20, 5.0% isopropanol and 2.5% witch hazel distillate. The acid composition of Davis does not contain resorcinol and a surfactant, let alone 2.0% resorcinol and 1.0% polysorbate-20. The acid composition of Davis contains isopropanol in an amount of about 55% to about 90% (column 9, lines 14-24, Davis), but not only 5.0% isopropanol, which is less than 10% of the minimal amount disclosed in Davis. The acid composition of Davis can contain about 0.001% to about 0.25% witch hazel (column 7, line 66 to column 8, line 13; column 9, lines 65-67), but not 2.5% witch hazel distillate, which is 10 times the maximal amount disclosed in Davis. Rapaport, Linn et al, Hahn et al and McAtee et al fail to remedy these deficiencies of Davis because Rapaport, Linn et al, Hahn et al and McAtee et al also do not disclose or suggest an acid composition to be neutralized by an alkaline composition, wherein the acid composition comprises 2.0% resorcinol, 1.0% polysorbate-20, 5.0% isopropanol and 2.5% witch hazel distillate. This is another reason why claim 108 is patentable over Davis in view of Rapaport, further in view of Linn et al, Hahn et al and McAtee et al.

In the event that the filing of this Appeal Brief is deemed not timely, the appellant petitions for an appropriate extension of time under 37 CFR §1.136. The Director is authorized to charge the petition fee, and any other fees that may be required for this Appeal Brief, or refund any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Date: September 28, 2005



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Enclosures: VIII. Claims Appendix (pages 22-41);
IX. Evidence Appendix (page 42);
X. Related Proceedings Appendix (page 42); and
Submission of Appeal Brief Fee (in duplicate)

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VIII. Claims Appendix

LISTING OF CLAIMS

1-10. (canceled)

11. (previously presented) The method of claim 90 wherein the pH of the second dermatological liquid composition is between about 7.1 and about 12.

12. (previously presented) The method of claim 11 wherein the pH of the second dermatological liquid composition is between about 8 and about 8.5.

13. (previously presented) The method of claim 90 wherein the amount of the at least one surfactant/emulsifying agent in the second dermatological liquid composition is from about 1% to about 5%.

14. (previously presented) The method of claim 13 wherein the amount of the at least one surfactant/emulsifying agent in the second dermatological liquid composition is from about 2% to about 3%.

15. (previously presented) The method of claim 14 wherein the at least one surfactant/emulsifying agent of the second dermatological liquid composition is selected from the group consisting of ceteareths, ceteths, cetyl alcohol, deceths, dodoxynols, glyceryl palmitate, glyceryl stearate, laneths, myreths, nonoxynols, octoxynols, oleths, PEG-castor oil,

poloxamers, poloxamines, polysorbates, ammonium laureth sulfate, sodium laureth sulfate, and mixtures thereof.

16-27. (canceled)

28. (previously presented) The method of claim 90 wherein the acid in the first dermatological liquid composition is present from about 1% to about 3%.

29. (previously presented) The method of claim 28 wherein the acid in the first dermatological liquid composition is present in about 2%.

30-32. (canceled)

33. (previously presented) The method of claim 90 wherein the first dermatological liquid composition and the second dermatological liquid composition are each applied with use of a pad.

34. (previously presented) The method of claim 90 wherein the first dermatological liquid composition and the second dermatological liquid composition are each applied with use of a cotton ball.

35. (previously presented) The method of claim 90 wherein the first dermatological liquid composition and the second dermatological liquid composition are each applied with use of a cotton-tipped applicator.

36. (previously presented) The method of claim 90 wherein the effective amount of the acid is from about 0.1% to about 5%.

37-39. (canceled)

40. (previously presented) A method for treatment of the skin of a consumer comprising the sequential steps of:

a) applying to the skin, by massaging into the skin, an acid peel of a first dermatological liquid composition consisting essentially of an effective amount of an acid suitable as a skin renewing acid in a cosmetically acceptable vehicle, wherein the pH of the first dermatological liquid composition is between about 2.5 and about 4;

b) allowing the first dermatological liquid composition to dry on the skin;

c) neutralizing said first dermatological liquid composition by applying to the skin, by massaging into the skin, a second dermatological liquid composition, consisting essentially of an alkaline agent suitable for use in a skin care composition, and from about 0.1% to about 10% of at least one surfactant/emulsifying agent in a cosmetically acceptable vehicle, wherein the pH of the second dermatological liquid composition ranges from greater than about 7 to about 12;

d) allowing the second dermatological liquid composition to dry; and

e) applying a moisturizer, sunscreen and/or makeup to the skin when the first and second dermatological liquid compositions remain on the skin;

the first dermatological liquid composition consisting essentially of:

ingredient	weight percent	
	from	to
chelating agent	0.01%	0.3%
witch hazel distillate	0.01%	20.0%
surfactant/emulsifying agent	0.01%	25.0%
salicylic acid	0.1%	5.0%
lactic acid	0.1%	20.0%
glycolic acid	0.1%	20.0%
ammonia, dissolved	0.0%	35.0%
preservative	0.01%	2.0%
acetone	0.0%	10.0%
alcohol	1.0%	50.0%
purified water	balance to 100%; and	

the second dermatological liquid composition consisting essentially of:

ingredient	weight percent	
	from	to
sodium bicarbonate	0.1%	15.0%
silicone	0.0%	50.0%
green tea extract	0.0%	75.0%
phospholipids	0.0%	10.0%

vitamin E	0.0%	10.0%
vitamin A	0.0%	10.0%
ascorbyl palmitate	0.0%	10.0%
preservative	0.0%	6.0%
chelating agent	0.0%	2.0%
surfactant/emulsifying agent	0.1%	10.0%
water	balance to 100%.	

41-42. (canceled)

43. (previously presented) The method of claim 90 wherein the acid is a hydrophilic acid.

44. (previously presented) A method for treatment of the skin of a consumer consisting essentially of the sequential steps of:

a) applying to the skin an acid peel of a first dermatological liquid composition by massaging into the skin with a pad saturated with the first dermatological liquid composition comprising an effective amount of an acid suitable as a skin renewing acid in a cosmetically acceptable vehicle, wherein the pH of the first dermatological liquid composition is between about 2.5 and about 4;

b) allowing the first dermatological liquid composition to dry on the skin;

c) neutralizing said first dermatological liquid composition by applying to the skin a second dermatological liquid composition by massaging into the skin with a pad saturated with the second dermatological liquid composition comprising an alkaline agent suitable for use in a

skin care composition, and from about 0.1% to about 10% of at least one surfactant/emulsifying agent in a cosmetically acceptable vehicle, wherein the pH of the second dermatological liquid composition ranges from greater than about 7 to about 12;

d) allowing the second dermatological liquid composition to dry; and

e) applying a moisturizer, sunscreen and/or makeup to the skin when the first and second dermatological liquid compositions remain on the skin;

the first dermatological liquid composition comprising:

ingredient	weight percent	
	from	to
chelating agent	0.01%	0.3%
witch hazel distillate	0.01%	20.0%
surfactant/emulsifying agent	0.01%	25.0%
salicylic acid	0.1%	5.0%
lactic acid	0.1%	20.0%
glycolic acid	0.1%	20.0%
ammonia, dissolved	0.0%	35.0%
preservative	0.01%	2.0%
acetone	0.0%	10.0%
alcohol	1.0%	50.0%
purified water	balance to 100%; and	

the second dermatological liquid composition comprising:

ingredient	weight percent	
	from	to

sodium bicarbonate	0.1%	15.0%
silicone	0.0%	50.0%
green tea extract	0.0%	75.0%
phospholipids	0.0%	10.0%
vitamin E	0.0%	10.0%
vitamin A	0.0%	10.0%
ascorbyl palmitate	0.0%	10.0%
preservative	0.0%	6.0%
chelating agent	0.0%	2.0%
surfactant/emulsifying agent	0.1%	10.0%
water	balance to 100%.	

45-46. (canceled)

47. (previously presented) The method of claim 90 wherein the first dermatological liquid composition and the second dermatological liquid composition are applied to a face.

48. (canceled)

49. (previously presented) The method of claim 40 wherein the first dermatological liquid composition and the second dermatological liquid composition are applied to a face.

50. (previously presented) The method of claim 44 wherein the first dermatological liquid composition and the second dermatological liquid composition are applied to a face.

51-69. (canceled)

70. (previously presented) The method of claim 90 wherein the first dermatological liquid composition is allowed to dry on the skin for about 3 minutes.

71. (canceled)

72. (previously presented) The method of claim 40 wherein the first dermatological liquid composition is allowed to dry on the skin for about 3 minutes.

73. (previously presented) The method of claim 44 wherein the first dermatological liquid composition is allowed to dry on the skin for about 3 minutes.

74-75. (canceled)

76. (previously presented) The method of claim 90, wherein the second dermatological liquid composition comprises:

ingredient	weight percent
sodium bicarbonate	3.0%
dimethicone copolyol	0.75%

green tea extract	0.2%
phospholipids	0.5%
vitamin E	0.5%
vitamin A	0.5%
ascorbyl palmitate	0.5%
phenoxyethanol	0.01%
methylparaben	0.01%
diazolidinyl urea	0.01%
tetrasodium EDTA	0.01%
octoxynol-9	2.0%
water	balance to 100%.

77. (previously presented) The method of claim 90, wherein the first dermatological liquid composition comprises:

ingredient	weight percent
Disodium EDTA	0.1%
Sodium Benzoate	0.2%
Witch Hazel Distillate	2.5%
Polysorbate-20	1.0%
Salicylic Acid	2.0%
Lactic Acid	2.0%
Glycolic Acid	15.0%
Ammonia, dissolved	6.0%

Imidazolidinyl Urea	0.2%
Acetone	5.0%
Ethanol	5.0%
Purified Water	balance to 100%.

78. (previously presented) The method of claim 90, wherein the first dermatological liquid composition comprises:

ingredient	weight percent
Disodium EDTA	0.1%
Sodium Benzoate	0.2%
Witch Hazel Distillate	2.5%
Polysorbate-20	1.0%
Salicylic Acid	2.0%
Lactic Acid	2.0%
Glycolic Acid	15.0%
Resorcinol	2.0%
Ammonia, dissolved	6.0%
Imidazolidinyl Urea	0.2%
Isopropanol	5.0%
Purified Water	balance to 100%.

79-84. (canceled)

85. (previously presented) The method of claim 90, wherein the acid in the the first dermatological liquid composition is selected from malic acid and citric acid.

86-87. (canceled)

88. (previously presented) The method of claim 44, wherein the acid in the the first dermatological liquid composition is selected from malic acid and citric acid.

89. (canceled)

90. (previously presented) A method for treating skin, comprising the sequential steps of:

a) applying to the skin a first dermatological liquid composition comprising an effective amount of a skin renewal stimulating acid and a cosmetically acceptable vehicle, wherein the pH of the first dermatological liquid composition is between about 2.5 and about 4;

b) neutralizing the first dermatological liquid composition by applying to the skin a second dermatological liquid composition comprising an alkaline agent suitable for use in a skin care composition, about 0.1% to about 10% by weight of at least one surfactant/emulsifying agent and a cosmetically acceptable vehicle, wherein the pH of the second dermatological liquid composition ranges from greater than about 7 to about 12;

c) allowing the second dermatological liquid compositions to dry on the skin; and

d) applying to the skin a moisturizer, sun screen and/or makeup when the first and second dermatological liquid compositions remain on the skin.

91. (previously presented) The method of claim 90, wherein the acid in the first dermatological liquid composition is selected from the group consisting of hydroxy carboxylic acids, keto acids, hydroxybenzoic acids and mixtures thereof.

92. (previously presented) The method of claim 91, wherein the acid in the first dermatological liquid composition is selected from alpha hydroxy acids and mixtures thereof.

93. (previously presented) The method of claim 91, wherein the acid in the first dermatological liquid composition is selected from the group consisting of glycolic acid, lactic acid, malic acid, tartaric acid, citric acid, ascorbic acid, mandelic acid, azelaic acid, glyceric acid, tartronic acid, gluconic acid, benzylic acid, pyruvic acid, 2-hydroxybutyric acid, salicylic acid, trichloroacetic acid, and mixtures thereof.

94. (previously presented) The method of claim 90, wherein the first dermatological liquid composition further comprises at least one surfactant/emulsifying agent.

95. (previously presented) The method of claim 90, wherein the first dermatological liquid composition further comprises about 0.1% to about 10% by weight of at least one surfactant/emulsifying agent.

96. (previously presented) The method of claim 90, wherein the first dermatological liquid composition further comprises about 2% to about 6% by weight of at least one surfactant/emulsifying agent.

97. (previously presented) The method of claim 90, wherein the first dermatological liquid composition further comprises about 3% to about 5% by weight of at least one surfactant/emulsifying agent.

98. (previously presented) The method of claim 94, wherein the at least one surfactant/emulsifying agent in the first dermatological liquid composition is selected from the group consisting of cetareths, ceteths, cetyl alcohol, deceths, dodoxynols, glyceryl palmitate, glyceryl stearate, laneths, myreths, nonoxynols, octoxynols, oleths, PEG-castor oil, poloxamers, poloxamines, polysorbates, ammonium laureth sulfate, sodium laureth sulfate, and mixtures thereof.

99. (previously presented) The method of claim 98, wherein the at least one surfactant/emulsifying agent in the first dermatological liquid composition is selected from the group consisting of octoxynol-9 and polysorbate-20.

100. (previously presented) The method of claim 15, wherein the at least one surfactant/emulsifying agent in the second dermatological liquid composition is selected from the group consisting of octoxynol-9 and polysorbate-20.

101. (previously presented) The method of claim 90, wherein the alkaline agent in the second dermatological liquid composition is selected from sodium bicarbonate, sodium carbonate,

sodium hydroxide, ammonia, triethanolamine, sodium hydrogen phosphate and sodium dihydrogen phosphate.

102. (previously presented) The method of claim 101, wherein the alkaline agent in the second dermatological liquid composition is sodium bicarbonate or sodium carbonate.

103. (previously presented) The method of claim 101, wherein the alkaline agent in the second dermatological liquid composition is selected from sodium hydroxide, ammonia and triethanolamine.

104. (previously presented) The method of claim 90, wherein the first dermatological liquid composition comprises:

ingredient	weight percent	
	from	to
chelating agent	0.01%	0.3%
witch hazel distillate	0.01%	20.0%
surfactant/emulsifying agent	0.01%	25.0%
salicylic acid	0.1%	5.0%
lactic acid	0.1%	20.0%
glycolic acid	0.1%	20.0%
ammonia, dissolved	0.0%	35.0%
preservative	0.01%	2.0%
acetone	0.0%	10.0%

alcohol	1.0%	50.0%
purified water	balance to 100%.	

105. (previously presented) The method of claim 90, wherein the second dermatological liquid composition comprises:

ingredient	weight percent	
	from	to
sodium bicarbonate	0.1%	15.0%
silicone	0.0%	50.0%
green tea extract	0.0%	75.0%
phospholipids	0.0%	10.0%
vitamin E	0.0%	10.0%
vitamin A	0.0%	10.0%
ascorbyl palmitate	0.0%	10.0%
preservative	0.0%	6.0%
chelating agent	0.0%	2.0%
surfactant/emulsifying agent	0.1%	10.0%
water	balance to 100%.	

106. (previously presented) The method of claim 104, wherein the second dermatological liquid composition comprises:

ingredient	weight percent	
	from	to

sodium bicarbonate	0.1%	15.0%
silicone	0.0%	50.0%
green tea extract	0.0%	75.0%
phospholipids	0.0%	10.0%
vitamin E	0.0%	10.0%
vitamin A	0.0%	10.0%
ascorbyl palmitate	0.0%	10.0%
preservative	0.0%	6.0%
chelating agent	0.0%	2.0%
surfactant/emulsifying agent	0.1%	10.0%
water	balance to 100%.	

107. (previously presented) The method of claim 90, wherein the first dermatological liquid composition comprises:

ingredient	weight percent
Disodium EDTA	0.1%
Sodium Benzoate	0.2%
Witch Hazel Distillate	2.5%
Polysorbate-20	1.0%
Salicylic Acid	2.0%
Lactic Acid	2.0%
Glycolic Acid	15.0%
Ammonia, dissolved	6.0%

Imidazolidinyl Urea	0.2%
Acetone	5.0%
Ethanol	5.0%
Water	balance to 100%; and

the second dermatological liquid composition comprises:

ingredient	weight percent
sodium bicarbonate	3.0%
dimethicone copolyol	0.75%
green tea extract	0.2%
phospholipids	0.5%
vitamin E	0.5%
vitamin A	0.5%
ascorbyl palmitate	0.5%
phenoxyethanol	0.01%
methylparaben	0.01%
diazolidinyl urea	0.01%
tetrasodium EDTA	0.01%
octoxynol-9	2.0%
water	balance to 100%.

108. (previously presented) The method of claim 90, wherein the first dermatological liquid composition comprises:

ingredient	weight percent
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Disodium EDTA	0.1%
Sodium Benzoate	0.2%
Witch Hazel Distillate	2.5%
Polysorbate-20	1.0%
Salicylic Acid	2.0%
Lactic Acid	2.0%
Glycolic Acid	15.0%
Resorcinol	2.0%
Ammonia, dissolved	6.0%
Imidazolidinyl Urea	0.2%
Isopropanol	5.0%
Water	balance to 100%; and

the second dermatological liquid composition comprises:

ingredient	weight percent
sodium bicarbonate	3.0%
dimethicone copolyol	0.75%
green tea extract	0.2%
phospholipids	0.5%
vitamin E	0.5%
vitamin A	0.5%
ascorbyl palmitate	0.5%
phenoxyethanol	0.01%
methylparaben	0.01%

diazolidinyl urea	0.01%
tetrasodium EDTA	0.01%
octoxynol-9	2.0%
water	balance to 100%.

109. (previously presented) The method of claim 90, wherein the first dermatological liquid composition is applied to the skin by massaging into the skin in step a), and the second dermatological liquid composition is applied to the skin by massaging into the skin in step b).

110. (previously presented) The method of claim 90, wherein the first dermatological liquid composition is applied to the skin by massaging into the skin with a pad saturated with the first dermatological liquid composition in step a), and the second dermatological liquid composition is applied to the skin by massaging into the skin with a pad saturated with the second dermatological liquid composition in step b).

111. (previously presented) The method of claim 90, wherein the first dermatological liquid composition is allowed to dry on the skin after step a) and before step b).

112. (previously presented) The method of claim 90, wherein the pH of the skin immediately after step a) is changed by approximately 4 with step b).

113. (previously presented) The method of claim 90, wherein the skin is the skin of a consumer.

114. (previously presented) The method of claim 113, wherein the skin is the skin on the face of a consumer.

115. (previously presented) The method of claim 90, wherein the pH of the first dermatological liquid composition is between about 3 and about 4.

116. (previously presented) The method of claim 101, wherein the alkaline agent in the second dermatological liquid composition is sodium bicarbonate.

117. (previously presented) A method for treating skin, comprising the sequential steps of:

a) applying to the skin a first dermatological liquid composition comprising an effective amount of a skin renewal stimulating acid and a cosmetically acceptable vehicle, wherein the pH of the first dermatological liquid composition is between about 2.5 and about 4;

b) neutralizing the first dermatological liquid composition by applying to the skin a second dermatological liquid composition comprising an alkaline agent suitable for use in a skin care composition, about 0.1% to about 10% of at least one surfactant/emulsifying agent and a cosmetically acceptable vehicle, wherein the pH of the second dermatological liquid composition ranges from greater than about 7 to about 12; and

c) applying to the skin a moisturizer, sun screen and/or makeup without preceded by rinsing off the first and second dermatological liquid compositions from the skin.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

Not applicable.